

DATE: November 25, 1998

CASE No. 96-RIS-0067

U.S. DEPARTMENT OF LABOR,  
PENSION AND WELFARE BENEFITS  
ADMINISTRATION,  
Complainant,

v.

CURRENT DEVELOPMENT CORPORATION,  
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT  
AGREEMENT AND STIPULATION FOR DISMISSAL AND ORDER

The above-captioned case arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1132, 1135, and Secretary's Order 1-87, 52 Fed. Reg. 13, 139, and the implementing regs. at 29 C.F.R. Parts 2560 and 2570. The rules provided at 29 C.F.R. Part 18 shall apply to this proceeding except as modified by 29 C.F.R. Part 2570.

On November 9, 1998, the parties submitted for approval by the undersigned a fully executed Settlement Agreement and Stipulation for Dismissal and Order, attached hereto, and made a part hereof. Having duly considered the matter,

IT IS ORDERED that the Settlement Agreement and Stipulation of Dismissal and Order are hereby approved and the proceeding in this matter is DISMISSED, with prejudice.

IT IS FURTHER ORDERED:

1. That this Order shall have the same force and effect as an order made after a full hearing;
2. That the entire record in which this Order is based shall consist solely of the Settlement Agreement and this Stipulation of Dismissal and Order;
3. The parties waive any further procedural steps before this Court;

4. The parties waive any rights to challenge or contest the validity of this Decision and Order entered into in accordance with this Settlement Agreement and Stipulation for Dismissal and Order;

5. Each party shall bear all its own costs, expenses, and legal and accounting fees incurred in connection with this action; and

6. The Complainant agrees to dismiss with prejudice the claims against Respondent in exchange for Respondent's payment of the amount set forth in the Settlement Agreement to be made by December 31, 1998, and fulfillment of all other terms of said agreement. The Court shall retain jurisdiction over this action for purposes of enforcing the terms of this Settlement Agreement and Stipulation for Dismissal and Order until Respondent's have fulfilled the provisions of (1)(a) through (f), after which the time this action shall be dismissed with prejudice.<sup>1</sup>

7. This Decision and Order of this Court shall be final agency action.

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THOMAS F. PHALEN, JR.  
Administrative Law Judge

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<sup>1</sup> The Court agrees that if Respondents do not provide the final versions of the revised Annual Report Forms 5500 C/R, the participant benefit statements, and the Summary Annual Reports on this schedule, or in the event of a dispute regarding whether or not Respondents have submitted these documents in acceptable form, the matter will be submitted to the undersigned Administrative Law Judge for resolution. If the Administrative Law Judge finds that the documents have not been submitted on schedule, or resolves a dispute as to the acceptability of the forms in favor of PWBA, he may assess additional appropriate penalties based on all the facts and circumstances after providing the parties an opportunity to be heard, and the Department is not bound by the terms in (2)(a) and (b).

**UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

<i>CASE NO.</i>	<i>96-RIS-67</i>
<i>TITLE OF DOCUMENT:</i>	<i>SETTLEMENT AGREEMENT AND STIPULATION FOR DISMISSAL AND ORDER</i>
<i>DATE OF DOCUMENT:</i>	<i>UNDATED</i>

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